THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14654 of 2003

Dated: 24.08.2006

Between
Sant Singh

.....Petitioner

and

1.The Govt. of AP, Irrigation & Command Area Development Department rep., by its Principal Secretary and others.

....Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14654 of 2003

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not returning the FSD of Rs.70,000/- + EMD Rs.10,000/-, settlement of final bills in respect of the work under L.S. Agreement 27/84-85 dated 16.3.1985 and FSD of Rs.6,250/- + EMD Rs.5,600/- + Rs.24,239/- towards final bills in respect of the work under agreement No.9/87-88 dated 23.7.1987 as illegal and arbitrary.

It seems that the petitioner completed the works allotted to him under agreement No. 27/84-85 dated 16.3.1985 and agreement No. 9/87-88 dated 23.7.1987. But his final bills were not settled and the other deposited amounts were not returned. In this regard, the petitioner got issued a legal notice dated 22.10.2001. The 3rd respondent-Superintending Engineer, Irrigation and Command Area Development Department, Irrigation Circle No.III, Nizamabad gave a reply on 4.12.2001 stating that the revised estimate has been submitted to the Government by the Chief Engineer, Major Irrigation,

Hyderabad for according administrative approval. Therefore, the payment of final bill and refund of deposits etc, will be made after receipt of approval in this regard. Insofar as the second agreement is concerned, he stated that the records are being traced out for ascertaining the stage of payments made and yet to be made to the petitioner and a detailed reply will be furnished shortly. In spite of giving such reply, nothing has been transpired. Therefore, the present writ petition is filed.

The learned counsel for the petitioner states that insofar as agreement No.9/87-88 dated 23.7.1987, the final bills are settled but the EMD and others deposits were not refunded as required. Further, insofar as the 1st agreement i.e, L.S.Agmt.NO.27/84-85 is concerned, nothing is heard from the respondents in spite of filing the writ petiton.

No counter is filed by the respondents. It is unfortunate that though the works were completed under the L.S.Agmt.No.27/84-85 dated 16.3.1985, and L.S.Agmt.No.9/87-88 dated 23.7.1987, neither the final bills nor the EMD and others deposits were returned. Now it is more than 18 years , the petitioner has completed those works. In view of this, the matter could have been taken very seriously by the

Department. At least after filing the writ petition, no counter is filed and no amounts are paid to the petitioner.

Under those circumstances, the 2nd to 4th respondents are directed to settle the bills and pay the amounts and return the EMD and other deposits under both the agreements, within a period of six weeks from the date of receipt of a copy of this order.

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24.08.2006

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